

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISIONUNITED STATES OF AMERICA)
)
v.) CR. NO. 2:06-cr-198-WKW
) (WO)
RONALD MCQUEEN)**O R D E R**

On September 22, 2006, Defendant Ronald McQueen filed a Motion to Continue Trial. (Doc. # 24.) While the granting of a continuance is left to the sound discretion of the trial judge, *United States v. Warren*, 772 F.2d 827, 837 (11th Cir. 1985), the Court is, of course, limited by the requirements of the Speedy Trial Act, 18 U.S.C. § 3161. The Speedy Trial Act provides generally that the trial of a defendant in a criminal case shall commence within 70 days of the latter of the filing date of the indictment or the date the defendant appeared before a judicial officer in such matter. 18 U.S.C. § 3161(c)(1). *See United States v. Vasser*, 916 F.2d 624 (11th Cir. 1990).

The Act excludes from this 70 day period any continuance that the judge grants "on the basis of his findings that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial." 18 U.S.C. § 3161(h)(8)(A).

In the motion, counsel for Defendant Ronald McQueen asserts that additional time is necessary to allow the parties to fully brief, and the Court to fully consider, the motion to suppress which was filed on September 13, 2006. (Doc. # 23.) The government does not oppose the motion to continue the trial date. Consequently, the Court concludes that a

continuance of this case is warranted and that the ends of justice served by continuing this case outweigh the best interest of the public and the defendant in a speedy trial. *See United States v. Davenport*, 935 F.2d 1223, 1235 (11th Cir. 1991) (reasonable time necessary for effective preparation is a significant factor for granting a continuance under the Speedy Trial Act).

Accordingly, it is hereby ORDERED that:

1. The motion (Doc. # 24) is GRANTED.
2. The trial of this case is continued from the October 16, 2006, trial term to the January 8, 2007, trial term.
3. The Magistrate Judge conduct a pretrial conference prior to the January 8, 2007, trial term.

DONE this 27th day of September, 2006.

/s/ W. Keith Watkins
UNITED STATES DISTRICT JUDGE